

## **REMARKS**

By the *Office Action* of 23 September 2003 (Paper No. 19) claims 1-2, 4-15, and 18 are pending. Claims 1-2, 4-14, and 18 stand rejected and claim 15 is allowed. By the present *Response and Amendment*, Applicant cancels claims 10-12 and 18 and adds new claims 19-22. Applicant amended claim 14 to correct a typographical error by deleting the word "and." No new matter is believed introduced. A Petition for a Two-Month Extension of Time is submitted herewith along with a check in the amount of \$210, thereby extending the time for reply to February 23, 2004.

### **1. Response to 35 U.S.C. § 112, First Paragraph Rejection**

The Examiner rejected Claims 1-2 under 35 U.S.C. § 112, First Paragraph, asserting that they contain new matter not supported by the *Specification*. Specifically, the Examiner asserts that the written description does not describe, and the drawings do not show, the location and the placement of the flexion channels relative to the enhanced buoyancy regions.

The rejection is respectfully traversed. Applicant respectfully submits the claims are supported by the *Specification*. Figures 12A, 12B, 13A, and 13B illustrate front and rear views of flotation elements for use in a flotation swimsuit. Figure 12A shows the front view of a single front flotation element with enhanced buoyancy regions 66 and Figure 12B shows the rear view of the same single front flotation element showing flexion channels 70. (*Specification*, page 5). In other words, Figure 12 illustrates a front flotation element having a front (Figure 12A) and a rear (Figure 12B). Likewise, Figure 13 illustrates a rear flotation element having a front surface (Figure 13A) and a rear surface (Figure 13B). (*Specification*, page 5). These figures illustrate the relative positions of the enhanced buoyancy regions and the flexion channels. As illustrated in Fig. 12A, the directly opposing adjacent raised outwardly portions 66 define an area of buoyant material therebetween. Figure 12B illustrates that the flexion channels 70 generally extend from the top to the bottom of the rear face of flotation element 60. Figures 12A and 12B further show that the orientation of the buoyant material defined between opposing adjacent raised portions is misaligned and does not correspond with the flexion channel.

Applicant submits a proposed drawing change in Appendix A showing the flexion channels in dashed lines in the front view of Figures 12A and 13A, as shown in Figures 12B and 13B respectively. Accordingly, Applicant respectfully requests withdrawal of the § 112 rejection.

## **2. Response to the Objection of the Drawings**

The Examiner also objected to the drawings under 37 C.F.R. § 1.83(a) on similar grounds, asserting that the drawings do not illustrate the recited relative position of the flexion channels as claimed in claims 1-2, 4-14, and 18. The objection is respectfully traversed for the reasons discussed above. It is respectfully submitted that Figures 12A-B and 13A-B illustrate the relative position of the flexion channels and buoyant material defined between directly opposing raised portions. Applicant submits a proposed drawing change in Appendix A. Withdrawal of the objection to the drawings is respectfully requested.

## **3. Claims 1-2, 4-14**

On Page 3 of the Office Action, the Examiner acknowledged that the prior art does not teach or suggest flexion channels on the inward surface that are misaligned with the low regions on the outward surface, but relied on the new matter rejections discussed above. Applicant believes the rejection is overcome for the previously discussed reasons and allowance of claims 1-2 and 4-14 is respectfully requested.

## **4. Claim 18/Double Patenting**

The Examiner asserted that Claims 7 and 18 were similar in scope and that pursuant to MPEP § 706.03(k) the Examiner would object to Claim 18 under 37 C.F.R. § 1.75 if Claim 7 was allowed. Claim 18 is canceled, thus obviating this objection.

## **5. Newly Added Claims 19-22**

Applicant has added new claims 19-22 to more particularly claim the invention. In one aspect of the present invention, a swimsuit for assisting a child in learning to swim is provided in

which a unitary panel substantially covers a child's torso to provide general buoyancy and targeted areas of enhanced buoyancy integral with the panel are provided to selected areas of the child's torso to strategically control the buoyancy distribution about the child. Because a unitary panel is used, a single pocket may be used to receive the panel, thereby making the installation of the flotation element simpler than prior art designs which used multiple blocks in a variety of pockets and required complicated sewing or stitching. Furthermore, because general buoyancy is provided to the child by the base panel, the targeted areas of enhanced buoyancy can be smaller than prior art suits which provided separate blocks without a base panel substantially covering the torso of the child.

New claims 19-22 are directed to a swimsuit in which a unitary flotation element substantially covers the torso of a child to provide general buoyancy in combination with targeted areas of enhanced buoyancy at selected areas to provide a desired buoyancy distribution about the child.

It is respectfully submitted that the prior art, alone or in combination, does not teach or disclose these novel features. More specifically, Applicant submits that *Darcy* (U.S. Patent No. 5,823,838), *Grunstein* (U.S. Patent No. 6,260,199), *Morner* (U.S. Patent No. 2,389,735), or *Rhea* (U.S. Patent No. 4,291,427) either individually or collectively do not teach, disclose, or suggest the combination of features of newly added claims 19-22, as discussed below.

**A. Rhea (U.S. Patent No. 4,291,427)**

The Examiner made U.S. Patent No. 4,291,427 to *Rhea* of record on Page 4 of the Office Action. The Examiner asserted that *Rhea* discloses a unitary flotation element with enhanced regions on the outward facing surface and flexion channels on the inward facing surface. In regards to the currently pending claims, the Examiner acknowledged on Page 4 of the Office Action that *Rhea* does not teach or disclose misalignment between flexion channels and low lying areas.

In regards to newly added claims 19-22, Applicant respectfully submits that *Rhea* teaches panels of a single buoyancy having V-shaped grooves of decreased thickness which are used for flexing. (Col. 1 lines 60-64; Col. 2 ln. 50 to Col. 3 ln 3) and does not teach or disclose providing

a general buoyancy about the torso and targeted areas of enhanced buoyancy at strategic areas. In fact, *Rhea* does not teach or disclose any buoyancy material at all in the torso area of the wearer.

**B. Darcy (U.S. Patent No. 5,823,838)**

U.S. Patent No. 5,823,838 to *Darcy* discloses a life jacket for wear for prolonged periods of time which does not constrict movement, not a child's flotation swimsuit to assist a child in learning how to swim. Although the Examiner asserts that *Darcy* teaches that buoyant material may be in the form of a unitary element comprising a base sheet of buoyant material with attached raised portions (figure 20) and that the raised portions are substantially thicker than the base sheet (figure 21) and may include an upper torso portion and a lower torso portion, it is respectfully submitted that *Darcy* does not teach the general buoyancy and enhanced targeted buoyancy of the present invention.

Although, *Darcy* may disclose protuberances from a base sheet, *Darcy* teaches that these protuberances are spread throughout the torso of the life jacket. Thus, there would be no targeted enhanced buoyancy about a targeted section of the torso of a user, but "enhanced" buoyancy throughout the torso, thereby essentially providing for the general buoyancy of a user. *Darcy* teaches only articulation lines not having protrusions to ease articulation. Thus, *Darcy* teaches away from the present invention by providing raised portions throughout the jacket except where articulation is needed. See Col. 16 lines 57-65. In the present invention, the enhanced buoyancy is placed in targeted areas and works in conjunction with the general buoyancy provided by the backsheet to provide a desired buoyancy distribution for assisting a child in learning to swim. The buoyancy provided by the protrusions in *Darcy* throughout the jacket would provide a buoyancy that is undesirable for such purpose.

**C. Morner (U.S. Patent No. 2,389,735)**

*Morner* discloses a life jacket and teaches to attach a plurality of rubber air filled cells on a piece of fabric. *Morner* does not teach or disclose providing a unitary base panel substantially throughout the torso of a user to provide a general buoyancy and providing targeted areas of enhanced buoyancy to selected areas.

**D. Grunstein (U.S. Patent No. 6,260,199)**

*Grunstein* teaches a swimwear garment having buoyant panels about a torso that has crease lines for movement. *Grunstein* does not teach or disclose providing enhanced buoyancy regions on the panel at targeted areas. In fact, *Grunstein* teaches away from enhanced buoyancy portions by teaching flat buoyant panels (Col. 3, lines 52-60).

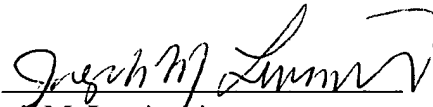
**FEES**

This *Response and Amendment* is being filed within five months of the Office Action, so Applicant petitions for a two-month extension of time and submits the two-month extension fee of \$210 herewith. Applicant further believes that no other fees are due, but authorization to charge deposit account No. 20-1507 is hereby given should any additional fees be due.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all claims are now in condition for allowance and a Notice of Allowance is respectfully requested. If the prosecution of the application would be expedited by direct discussion, a telephone call to Joseph M. Lewinski at (404) 885-3398 would be welcomed.

Respectfully submitted,

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